

Status: Point in time view as at 07/06/2022.

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SCHEDULES

^{F1}SCHEDULE 1

Textual Amendments

F1 Sch. 1 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F4}SCHEDULE 1A

RELEVANT OFFENCES FOR THE PURPOSES OF SECTION 17

Textual Amendments

F4 Sch. 1A inserted (27.6.2011) by Coroners and Justice Act 2009 (c. 25), ss. 99(4), 182(5), **Sch. 14** (with s. 180, Sch. 22 paras. 23, 24); S.I. 2011/1452, art. 2(a)

Murder and manslaughter

- 1 Murder in a case where it is alleged that a firearm or knife was used to cause the death in question.
- 2 Manslaughter in a case where it is alleged that a firearm or knife was used to cause the death in question.
- 3 Murder or manslaughter in a case (other than a case falling within paragraph 1 or 2) where it is alleged that—
 - (a) the accused was carrying a firearm or knife at any time during the commission of the offence, and
 - (b) a person other than the accused knew or believed at any time during the commission of the offence that the accused was carrying a firearm or knife.

Offences against the Person Act 1861 (c. 100)

- 4 An offence under section 18 of the Offences against the Person Act 1861 (wounding with intent to cause grievous bodily harm etc) in a case where it is alleged that a firearm or knife was used to cause the wound or harm in question.
- 5 An offence under section 20 of that Act (malicious wounding) in a case where it is alleged that a firearm or knife was used to cause the wound or inflict the harm in question.

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- 6 An offence under section 38 of that Act (assault with intent to resist arrest) in a case where it is alleged that a firearm or knife was used to carry out the assault in question.
- 7 An offence under section 47 of the Offences against the Person Act 1861 (assault occasioning actual bodily harm) in a case where it is alleged that a firearm or knife was used to inflict the harm in question.
- 8 An offence under section 18, 20, 38 or 47 of the Offences against the Person Act 1861 in a case (other than a case falling within any of paragraphs 4 to 7) where it is alleged that—
- (a) the accused was carrying a firearm or knife at any time during the commission of the offence, and
 - (b) a person other than the accused knew or believed at any time during the commission of the offence that the accused was carrying a firearm or knife.

Prevention of Crime Act 1953 (c. 14)

- 9 An offence under section 1 of the Prevention of Crime Act 1953 (having an offensive weapon in a public place).
- [^{F59A} An offence under section 1A of that Act (threatening with offensive weapon in public).]

Textual Amendments

- F5** Sch. 1A para. 9A inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 26 para. 8\(2\)](#); S.I. 2012/2770, art. 2(f)

Firearms Act 1968 (c. 27)

- 10 An offence under section 1 of the Firearms Act 1968 (requirement of firearm certificate).
- 11 An offence under section 2(1) of that Act (possession etc of a shot gun without a certificate).
- 12 An offence under section 3 of that Act (business and other transactions with firearms and ammunition).
- 13 An offence under section 4 of that Act (conversion of weapons).
- 14 An offence under section 5(1) of that Act (weapons subject to general prohibition).
- 15 An offence under section 5(1A) of that Act (ammunition subject to general prohibition).
- 16 An offence under section 16 of that Act (possession with intent to injure).
- 17 An offence under section 16A of that Act (possession with intent to cause fear of violence).
- 18 An offence under section 17 of that Act (use of firearm to resist arrest).
- 19 An offence under section 18 of that Act (carrying firearm with criminal intent).
- 20 An offence under section 19 of that Act (carrying firearm in a public place).

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- 21 An offence under section 20 of that Act (trespassing with firearm).
22 An offence under section 21 of that Act (possession of firearms by person previously convicted of crime).
23 An offence under section 21A of that Act (firing an air weapon beyond premises).
24 An offence under section 24A of that Act (supplying imitation firearms to minors).

Criminal Justice Act 1988 (c. 33)

- 25 An offence under section 139 of the Criminal Justice Act 1988 (having article with blade or point in public place).
26 An offence under section 139A of that Act (having article with blade or point (or offensive weapon) on school premises).
[
F6 26A An offence under section 139AA of that Act (threatening with article with blade or point or offensive weapon).]

Textual Amendments

- F6** Sch. 1A para. 26A inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 26 para. 8\(3\)](#); S.I. 2012/2770, art. 2(f)

Violent Crime Reduction Act 2006 (c. 38)

- 27 An offence under section 28 of the Violent Crime Reduction Act 2006 (using someone to mind a weapon).
28 An offence under section 32 of that Act (sales of air weapons by way of trade or business to be face to face).
29 An offence under section 36 of that Act (manufacture, import and sale of realistic imitation firearms).

[F7] Serious Crime Act 2015

Textual Amendments

- F7** [Sch. 1A para. 29A](#) and cross-heading inserted (7.6.2022) by [Domestic Abuse Act 2021 \(c. 17\)](#), s. 90(6), [Sch. 2 para. 5\(2\)](#); S.I. 2022/553, regs. 1(2), 3(b)

- 29A An offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation) in a case where it is alleged that—
(a) the accused was carrying a firearm or knife at any time during the commission of the offence, and
(b) a person other than the accused knew or believed at any time during the commission of the offence that the accused was carrying a firearm or knife.]

General

- 30 A reference in any of paragraphs 1 to 8 [F8 and 29A] to an offence (“offence A”) includes—

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- (a) a reference to an attempt to commit offence A in a case where it is alleged that it was attempted to commit offence A in the manner or circumstances described in that paragraph,
- (b) a reference to a conspiracy to commit offence A in a case where it is alleged that the conspiracy was to commit offence A in the manner or circumstances described in that paragraph,
- (c) a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed in a case where it is alleged that the person intended or believed offence A would be committed in the manner or circumstances described in that paragraph, and
- (d) a reference to aiding, abetting, counselling or procuring the commission of offence A in a case where it is alleged that offence A was committed, or the act or omission charged in respect of offence A was done or made, in the manner or circumstances described in that paragraph.

Textual Amendments

- F8** Words in [Sch. 1A para. 30](#) inserted (7.6.2022) by [Domestic Abuse Act 2021 \(c. 17\)](#), s. 90(6), [Sch. 2 para. 5\(3\)](#); S.I. 2022/553, regs. 1(2), 3(b)

- 31 A reference in any of paragraphs 9 to 29 to an offence (“offence A”) includes—
- (a) a reference to an attempt to commit offence A,
 - (b) a reference to a conspiracy to commit offence A,
 - (c) a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed, and
 - (d) a reference to aiding, abetting, counselling or procuring the commission of offence A.

Interpretation

- 32 In this Schedule—
- “firearm” has the meaning given by section 57 of the Firearms Act 1968;
 - “knife” has the meaning given by section 10 of the Knives Act 1997.]

SCHEDULE 2

Section 48.

REPORTING RESTRICTIONS: MISCELLANEOUS AMENDMENTS

Children and Young Persons Act 1933 (c.12)

- 1 The Children and Young Persons Act 1933 has effect subject to the following amendments.

Commencement Information

- II** Sch. 2 para. 1 in force at 13.4.2015 for E.W. by [S.I. 2015/818](#), [art. 2\(g\)\(i\)](#)

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PROSPECTIVE

F9²

Textual Amendments

F9 Sch. 2 para. 2 omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 79\(11\), 95\(1\); S.I. 2015/778, art. 3, Sch. 1 para. 64](#) (with Sch. 2 para. 5)

- 3 (1) Section 49 (restrictions on reports of proceedings in which children or young persons concerned) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) No matter relating to any child or young person concerned in proceedings to which this section applies shall while he is under the age of 18 be included in any publication if it is likely to lead members of the public to identify him as someone concerned in the proceedings.”
- (3) For subsection (3) substitute—
- “(3) In this section “publication” includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public (and for this purpose every relevant programme shall be taken to be so addressed), but does not include an indictment or other document prepared for use in particular legal proceedings.
- (3A) The matters relating to a person in relation to which the restrictions imposed by subsection (1) above apply (if their inclusion in any publication is likely to have the result mentioned in that subsection) include in particular—
- (a) his name,
- (b) his address,
- (c) the identity of any school or other educational establishment attended by him,
- (d) the identity of any place of work, and
- (e) any still or moving picture of him.”
- (4) In subsection (4), for the words from “whether as being” onwards substitute “if he is—
- (a) a person against or in respect of whom the proceedings are taken, or
- (b) a person called, or proposed to be called, to give evidence in the proceedings.”
- (5) In subsection (4A), for “requirements of this section” substitute “restrictions imposed by subsection (1) above”.
- (6) In subsection (8), after “subsection” insert “(4A) or”.
- (7) For subsection (9) substitute—

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- “(9) If a publication includes any matter in contravention of subsection (1) above, the following persons shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale—
- (a) where the publication is a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;
 - (b) where the publication is a relevant programme—
 - (i) any body corporate or Scottish partnership engaged in providing the programme service in which the programme is included; and
 - (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper;
 - (c) in the case of any other publication, any person publishing it.
- (9A) Where a person is charged with an offence under subsection (9) above it shall be a defence to prove that at the time of the alleged offence he was not aware, and neither suspected nor had reason to suspect, that the publication included the matter in question.
- (9B) If an offence under subsection (9) above committed by a body corporate is proved—
- (a) to have been committed with the consent or connivance of, or
 - (b) to be attributable to any neglect on the part of,
- an officer, the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (9C) In subsection (9B) above “officer” means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.
- (9D) If the affairs of a body corporate are managed by its members, “director” in subsection (9C) above means a member of that body.
- (9E) Where an offence under subsection (9) above is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of a partner, he as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.”
- (8) In subsection (11), for the definition of “programme” and “programme service” substitute—
- ““picture” includes a likeness however produced;
- “relevant programme” means a programme included in a programme service, within the meaning of the ^{M6}Broadcasting Act 1990;”.
- (9) After subsection (11) insert—
- “(12) This section extends to England and Wales, Scotland and Northern Ireland, but no reference in this section to any court includes a court in Scotland.
- (13) In its application to Northern Ireland, this section has effect as if—
- (a) in subsection (1) for the reference to the age of 18 there were substituted a reference to the age of 17;

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- (b) subsection (2)(c) and (d) were omitted;
 - (c) in subsection (4A)—
 - (i) in paragraph (d) for the reference to [F10section 394(1) (d) or (e) of the Sentencing Code] there were substituted a reference to Article 50(3) of the M7Criminal Justice (Children) (Northern Ireland) Order 1998; and
 - (ii) in paragraph (e) for the references to a detention and training order and to [F11section 242(4)(b) of the Sentencing Code] there were substituted references to a juvenile justice centre order and to Article 40(2) of the M8Criminal Justice (Children) (Northern Ireland) Order 1998;
 - (d) in subsection (5) for references to a court (other than the reference in paragraph (b)) there were substituted references to a court or the Secretary of State;
 - (e) in subsection (7)—
 - (i) for the references to the Director of Public Prosecutions there were substituted references to the Director of Public Prosecutions for Northern Ireland; and
 - (ii) in paragraph (b) for the reference to any legal representative of the child or young person there were substituted a reference to any barrister or solicitor acting for the child or young person;
 - (f) subsections (8) and (10) were omitted; and
 - (g) in subsection (11)—
 - (i) the definition of “legal representative” were omitted; and
 - (ii) [F12for the references to Part 1 or 2 of Schedule 18 to the Sentencing Code] there were substituted references to Article 2(2) of the M9Criminal Justice (Northern Ireland) Order 1996.
- (14) References in this section to a young person concerned in proceedings are, where the proceedings are in a court in Northern Ireland, to a person who has attained the age of 14 but is under the age of 17.”
- (10) The amendments made by this paragraph do not apply to the inclusion of matter in a publication if—
- (a) where the publication is a relevant programme, it is transmitted, or
 - (b) in the case of any other publication, it is published,
- before the coming into force of this paragraph.

Textual Amendments

- F10** Words in Sch. 2 para. 3(9) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 161\(a\)](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)
- F11** Words in Sch. 2 para. 3(9) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 161\(b\)](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)
- F12** Words in Sch. 2 para. 3(9) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 161\(c\)](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)

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Commencement Information

I2 Sch. 2 para. 3(1)-(8)(10) in force at 13.4.2015 for E.W. by [S.I. 2015/818](#), **art. 2(g)(ii)**

Marginal Citations

M6 1990 c. 42.

M7 [S.I. 1998/1504](#) (N.I. 9).

M8 1998 c. 37.

M9 [S.I. 1996/3160](#) (N.I. 24).

Sexual Offences (Amendment) Act 1976 (c.82)

- 4 (1) The Sexual Offences (Amendment) Act 1976 has effect subject to the following amendments.
- (2) Omit sections 4 and 5 (which provide for the anonymity of complainants in rape etc. cases and are superseded by the amendments made by this Schedule to the ^{M10}Sexual Offences (Amendment) Act 1992).
- (3) In section 7(6) (extent), for the words after “Scotland” substitute “ or Northern Ireland. ”

Commencement Information

I3 Sch. 2 para. 4 in force at 7.10.2004 for E.W. by [S.I. 2004/2428](#), **art. 2(e)**

I4 Sch. 2 para. 4 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), **art. 2(c)**

Marginal Citations

M10 1992 c. 34.

Sexual Offences (Northern Ireland) Order 1978 (N.I.15)

- 5 In the ^{M11}Sexual Offences (Northern Ireland) Order 1978, omit Articles 6 and 7 (which provide for the anonymity of complainants in rape offence cases and are superseded by the amendments made by this Schedule to the Sexual Offences (Amendment) Act 1992).

Commencement Information

I5 Sch. 2 para. 5 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), **art. 2(c)**

Marginal Citations

M11 [S.I. 1978/460](#).

Sexual Offences (Amendment) Act 1992 (c.34)

- 6 The Sexual Offences (Amendment) Act 1992 has effect subject to the following amendments.

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Commencement Information

- I6** Sch. 2 para. 6 in force at 7.10.2004 for specified purposes for S. by S.S.I. 2004/408, **art. 3(c)**
I7 Sch. 2 para. 6 in force at 7.10.2004 for E.W. by S.I. 2004/2428, **art. 2(e)**
I8 Sch. 2 para. 6 in force at 8.11.2004 for N.I. by S.R. 2004/467, **art. 2(c)**

- 7 (1) Section 1 (anonymity of victims of certain sexual offences) is amended as follows.
- (2) In subsection (1), for the words from “neither the name” to the end of paragraph (b) substitute “ no matter relating to that person shall during that person’s lifetime be included in any publication ”.
- (3) In subsection (2), for the words after “complainant’s lifetime” substitute “be included in any publication. ”
- (4) For subsection (3) substitute—
- “(3) This section—
- (a) does not apply in relation to a person by virtue of subsection (1) at any time after a person has been accused of the offence, and
- (b) in its application in relation to a person by virtue of subsection (2), has effect subject to any direction given under section 3.
- (3A) The matters relating to a person in relation to which the restrictions imposed by subsection (1) or (2) apply (if their inclusion in any publication is likely to have the result mentioned in that subsection) include in particular—
- (a) the person’s name,
- (b) the person’s address,
- (c) the identity of any school or other educational establishment attended by the person,
- (d) the identity of any place of work, and
- (e) any still or moving picture of the person.”
- (5) In subsection (4), for “publication or inclusion in a relevant programme” substitute “ inclusion in a publication ”.

Commencement Information

- I9** Sch. 2 para. 7 in force at 7.10.2004 for E.W. by S.I. 2004/2428, **art. 2(e)**
I10 Sch. 2 para. 7 in force at 7.10.2004 for specified purposes for S. by S.S.I. 2004/408, **art. 3(c)**
I11 Sch. 2 para. 7 in force at 8.11.2004 for N.I. by S.R. 2004/467, **art. 2(c)**

- 8 (1) Section 2 (offences to which Act applies) is amended as follows.
- (2) In subsection (1), after “This Act applies to the following offences” insert “against the law of England and Wales—
- (aa) rape;
- (ab) burglary with intent to rape;”.
- (3) In subsection (1)(e), for “(a)” substitute “ (aa) ”.
- (4) In subsection (1), after paragraph (g) insert—

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“(h) aiding, abetting, counselling or procuring the commission of any of the offences mentioned in paragraphs (aa) to (e) and (g);”.

(5) In subsection (2), after paragraph (m) insert—

“(n) section 17 (abduction of woman by force).”

(6) After subsection (2) insert—

“(3) This Act applies to the following offences against the law of Northern Ireland—

- (a) rape;
- (b) burglary with intent to rape;
- (c) any offence under any of the following provisions of the ^{M12}Offences against the Person Act 1861—
 - (i) section 52 (indecent assault on a female);
 - (ii) section 53 so far as it relates to abduction of a woman against her will;
 - (iii) section 61 (buggery);
 - (iv) section 62 (attempt to commit buggery, assault with intent to commit buggery or indecent assault on a male);
- (d) any offence under any of the following provisions of the ^{M13}Criminal Law Amendment Act 1885—
 - (i) section 3 (procuring unlawful carnal knowledge of woman by threats, false pretences or administering drugs);
 - (ii) section 4 (unlawful carnal knowledge, or attempted unlawful carnal knowledge, of a girl under 14);
 - (iii) section 5 (unlawful carnal knowledge of a girl under 17);
- (e) any offence under any of the following provisions of the ^{M14}Punishment of Incest Act 1908—
 - (i) section 1 (incest, attempted incest by males);
 - (ii) section 2 (incest by females over 16);
- (f) any offence under section 22 of the ^{M15}Children and Young Persons Act (Northern Ireland) 1968 (indecent conduct towards child);
- (g) any offence under Article 9 of the ^{M16}Criminal Justice (Northern Ireland) Order 1980 (inciting girl under 16 to have incestuous sexual intercourse);
- (h) any offence under any of the following provisions of the ^{M17}Mental Health (Northern Ireland) Order 1986—
 - (i) Article 122(1)(a) (unlawful sexual intercourse with a woman suffering from severe mental handicap);
 - (ii) Article 122(1)(b) (procuring a woman suffering from severe mental handicap to have unlawful sexual intercourse);
 - (iii) Article 123 (unlawful sexual intercourse by hospital staff, etc. with a person receiving treatment for mental disorder);
- (i) any attempt to commit any of the offences mentioned in paragraphs (a) to (h);
- (j) any conspiracy to commit any of those offences;
- (k) any incitement of another to commit any of those offences;

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- (l) aiding, abetting, counselling or procuring the commission of any of the offences mentioned in paragraphs (a) to (i) and (k).”

Commencement Information

- I12** Sch. 2 para. 8 in force at 7.10.2004 for specified purposes for S. by [S.S.I. 2004/408](#), [art. 3\(c\)](#)
I13 Sch. 2 para. 8 in force at 7.10.2004 for E.W. by [S.I. 2004/2428](#), [art. 2\(e\)](#)
I14 Sch. 2 para. 8 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), [art. 2\(c\)](#)

Marginal Citations

- M12** [1861 c. 100.](#)
M13 [1885 c. 69.](#)
M14 [1908 c. 45.](#)
M15 [1968 c. 34\(N.I.\)](#)
M16 [S.I. 1980/704 \(N.I. 6\).](#)
M17 [S.I. 1986/595 \(N.I. 4\).](#)

- 9 (1) Section 3 (power to displace reporting restrictions under section 1) is amended as follows.
- (2) In subsection (6)(b) (meaning of “judge”), after “Crown Court” insert “ in England and Wales. ”
- (3) After subsection (6) insert—
- “(6A) In its application to Northern Ireland, this section has effect as if—
- (a) in subsections (1) and (2) for any reference to the judge there were substituted a reference to the court; and
- (b) subsection (6) were omitted.”

Commencement Information

- I15** Sch. 2 para. 9 in force at 7.10.2004 for specified purposes for S. by [S.S.I. 2004/408](#), [art. 3\(c\)](#)
I16 Sch. 2 para. 9 in force at 7.10.2004 for E.W. by [S.I. 2004/2428](#), [art. 2\(e\)](#)
I17 Sch. 2 para. 9 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), [art. 2\(c\)](#)

- 10 In section 4 (special rules for cases of incest or buggery), after subsection (7) insert—
- “(8) In its application to Northern Ireland, this section has effect as if—
- (a) subsection (1) were omitted;
- (b) for references to a section 10 offence there were substituted references to an offence under section 1 of the ^{M18}Punishment of Incest Act 1908 (incest by a man) or an attempt to commit that offence;
- (c) for references to a section 11 offence there were substituted references to an offence under section 2 of that Act (incest by a woman) or an attempt to commit that offence; and
- (d) for references to a section 12 offence there were substituted references to an offence under section 61 of the ^{M19}Offences against the Person Act 1861 (buggery) or an attempt to commit that offence.”

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Commencement Information

- I18** Sch. 2 para. 10 in force at 7.10.2004 for specified purposes for S. by S.S.I. 2004/408, **art. 3(c)**
I19 Sch. 2 para. 10 in force at 7.10.2004 for E.W. by S.I. 2004/2428, **art. 2(e)**
I20 Sch. 2 para. 10 in force at 8.11.2004 for N.I. by S.R. 2004/467, **art. 2(c)**

Marginal Citations

- M18** 1908 c. 45.
M19 1861 c. 100.

- 11 (1) Section 5 (offences) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) If any matter is included in a publication in contravention of section 1, the following persons shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale—
- (a) where the publication is a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;
- (b) where the publication is a relevant programme—
- (i) any body corporate or Scottish partnership engaged in providing the programme service in which the programme is included; and
- (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper;
- (c) in the case of any other publication, any person publishing it.”
- (3) In subsection (2) (defence where victim consented to publication)—
- (a) for “publication of any matter or the inclusion of any matter in a relevant programme” substitute “inclusion of any matter in a publication”, and
- (b) omit “or programme”.
- (4) In subsection (3) (cases where written consent not a defence), at the end insert “, or that person was under the age of 16 at the time when it was given.”
- (5) In subsection (4) (Attorney General’s consent to prosecution), at the end insert “if the offence is alleged to have been committed in England and Wales or of the Attorney General for Northern Ireland if the offence is alleged to have been committed in Northern Ireland.”
- (6) In subsection (5) (defence for person unaware of inclusion of prohibited matter), for the words from “or programme” onwards substitute “included the matter in question.”
- (7) After subsection (5) insert—
- “(5A) Where—
- (a) a person is charged with an offence under this section, and
- (b) the offence relates to the inclusion of any matter in a publication in contravention of section 1(1),
- it shall be a defence to prove that at the time of the alleged offence he was not aware, and neither suspected nor had reason to suspect, that the allegation in question had been made.”

Status: Point in time view as at 07/06/2022.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(8) After subsection (7) insert—

“(8) Where an offence under this section is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of a partner, he as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.”

Commencement Information

I21 Sch. 2 para. 11 in force at 7.10.2004 for E.W. by [S.I. 2004/2428](#), [art. 2\(e\)](#)

I22 Sch. 2 para. 11 in force at 7.10.2004 for specified purposes for S. by [S.S.I. 2004/408](#), [art. 3\(c\)](#)

I23 Sch. 2 para. 11 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), [art. 2\(c\)](#)

12 (1) Section 6 (interpretation) is amended as follows.

(2) In subsection (1), omit the definition of “written publication” (and the word “and” preceding it) and after the definition of “picture” insert—

““publication” includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public (and for this purpose every relevant programme shall be taken to be so addressed), but does not include an indictment or other document prepared for use in particular legal proceedings;”

(3) In subsection (2A) (victims of conspiracy etc.), for the words from “accusation that” to “committed, the” substitute “accusation—

- (a) that an offence of conspiracy or incitement of another to commit an offence mentioned in section 2(1)(aa) to (d) or (3)(a) to (h) has been committed, or
- (b) that an offence of aiding, abetting, counselling or procuring the commission of an offence of incitement of another to commit an offence mentioned in section 2(1)(aa) to (d) or (3)(a) to (h) has been committed,

the ”.

(4) In subsection (3) (time when person is accused of an offence), in paragraph (a) after “is laid” insert “, or (in Northern Ireland) a complaint is made, ”.

Commencement Information

I24 Sch. 2 para. 12 in force at 7.10.2004 for E.W. by [S.I. 2004/2428](#), [art. 2\(e\)](#)

I25 Sch. 2 para. 12 in force at 7.10.2004 for specified purposes for S. by [S.S.I. 2004/408](#), [art. 3\(c\)](#)

I26 Sch. 2 para. 12 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), [art. 2\(c\)](#)

13 (1) Section 7 (application of Act to courts-martial) is amended as follows.

(2) In subsection (1) (Act to apply with modifications where in pursuance of armed forces law a person is charged with an offence to which the Act applies), after “applies” insert “ by virtue of section 2(1) ”.

(3) In subsection (2) (modifications with which Act applies to courts-martial)—

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- (a) omit paragraph (b);
- (b) for paragraph (c) substitute—
 - “(c) in section 3(1) any reference to a judge, in relation to the person charged with the offence, shall be read as a reference to the judge advocate appointed to conduct proceedings under section 3(1) relating to the offence (whether or not also appointed to conduct other preliminary proceedings relating to the offence);”;
- (c) in paragraph (d), for “court” substitute “ judge advocate appointed to be a member of the court-martial ”; and
- (d) omit paragraph (e) except for the word “and” at the end.

Commencement Information

- I27** Sch. 2 para. 13 in force at 7.10.2004 for specified purposes for S. by [S.S.I. 2004/408](#), **art. 3(c)**
- I28** Sch. 2 para. 13 in force at 7.10.2004 for E.W. by [S.I. 2004/2428](#), **art. 2(e)**
- I29** Sch. 2 para. 13 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), **art. 2(c)**

- 14 For section 8(6) and (7) (application of Act to Scotland and to Northern Ireland) substitute—

“(6) This Act extends to England and Wales, Scotland and Northern Ireland.

(7) This Act, so far as it relates to proceedings before a court-martial or the Courts-Martial Appeal Court, applies to such proceedings wherever they may take place (whether in the United Kingdom or elsewhere).”

Commencement Information

- I30** Sch. 2 para. 14 in force at 7.10.2004 for S. by [S.S.I. 2004/408](#), **art. 3(d)**
- I31** Sch. 2 para. 14 in force at 7.10.2004 for E.W. by [S.I. 2004/2428](#), **art. 2(e)**
- I32** Sch. 2 para. 14 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), **art. 2(c)**

Criminal Justice (Northern Ireland) Order 1994 (N.I.15)

- 15 In the ^{M20}Criminal Justice (Northern Ireland) Order 1994, omit Articles 19 to 24 (which provide for the anonymity of victims of certain sexual offences and are superseded by the amendments made by this Schedule to the ^{M21}Sexual Offences (Amendment) Act 1992).

Commencement Information

- I33** Sch. 2 para. 15 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), **art. 2(c)**

Marginal Citations

- M20** [S.I. 1994/2795](#).
- M21** 1992 c. 34.

Status: Point in time view as at 07/06/2022.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

^{F13}SCHEDULE 2A

Section 49

RESTRICTION OF REPORTING OF CRIMINAL PROCEEDINGS FOR LIFETIME OF WITNESSES AND VICTIMS UNDER 18: PROVIDERS OF INFORMATION SOCIETY SERVICES

Textual Amendments

F13 Sch. 2A inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 15 para. 2](#); [S.I. 2015/778](#), art. 3, [Sch. 1 para. 81](#)

Domestic service providers: extension of liability

^{F14}₁

Textual Amendments

F14 Sch. 2A para. 1 omitted (29.7.2021) by virtue of [The Criminal Justice \(Electronic Commerce\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/835\)](#), regs. 1, [4\(a\)](#)

Non-UK service providers: restriction on institution of proceedings

^{F15}₂

Textual Amendments

F15 Sch. 2A para. 2 omitted (29.7.2021) by virtue of [The Criminal Justice \(Electronic Commerce\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/835\)](#), regs. 1, [4\(b\)](#)

Exceptions for mere conduits

- 3 (1) A service provider is not capable of being guilty of an offence under section 49, so far as it relates to a publication that includes matter in contravention of a direction under section 45A(2), in respect of anything done in the course of providing so much of an information society service as consists in—
- (a) the provision of access to a communication network, or
 - (b) the transmission in a communication network of information provided by a recipient of the service,
- if the condition in sub-paragraph (2) is satisfied.
- (2) The condition is that the service provider does not—
- (a) initiate the transmission,
 - (b) select the recipient of the transmission, or
 - (c) select or modify the information contained in the transmission.
- (3) For the purposes of sub-paragraph (1)—
- (a) the provision of access to a communication network, and
 - (b) the transmission of information in a communication network,

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includes the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.

- (4) Sub-paragraph (3) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

Exception for caching

- 4 (1) This paragraph applies where an information society service consists in the transmission in a communication network of information provided by a recipient of the service.
- (2) The service provider is not capable of being guilty of an offence under section 49, so far as it relates to a publication that includes matter in contravention of a direction under section 45A(2), in respect of the automatic, intermediate and temporary storage of information so provided, if—
- (a) the storage of the information is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request, and
 - (b) the condition in sub-paragraph (3) is satisfied.
- (3) The condition is that the service provider—
- (a) does not modify the information,
 - (b) complies with any conditions attached to having access to the information, and
 - (c) where sub-paragraph (4) applies, expeditiously removes the information or disables access to it.
- (4) This sub-paragraph applies if the service provider obtains actual knowledge that—
- (a) the information at the initial source of the transmission has been removed from the network,
 - (b) access to it has been disabled, or
 - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

Exception for hosting

- 5 (1) A service provider is not capable of being guilty of an offence under section 49, so far as it relates to a publication that includes matter in contravention of a direction under section 45A(2), in respect of anything done in the course of providing so much of an information society service as consists in the storage of information provided by a recipient of the service if sub-paragraph (2) or (3) is satisfied.
- (2) This sub-paragraph is satisfied if the service provider had no actual knowledge when the information was provided that it consisted of or included matter whose inclusion in a publication is prohibited by a direction under section 45A(2).
- (3) This sub-paragraph is satisfied if, on obtaining such knowledge, the service provider expeditiously removed the information or disabled access to it.
- (4) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

Status: Point in time view as at 07/06/2022.

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Interpretation

- 6 (1) This paragraph applies for the purposes of this Schedule.
- (2) “Information society services”—
- (a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive [98/34/EC](#) of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and
- (b) is summarised in recital 17 of the E-Commerce Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”,
- and “the E-Commerce Directive” means Directive [2000/31/EC](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce).
- (3) “Recipient”, in relation to a service, means a person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible.
- (4) “Service provider” means a person providing an information society service.
- ^{F16}(5)]

Textual Amendments

F16 Sch. 2A para. 6(5) omitted (29.7.2021) by virtue of [The Criminal Justice \(Electronic Commerce\) \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/835\)](#), regs. 1, **4(c)**

SCHEDULE 3

Section 59.

RESTRICTION ON USE OF ANSWERS ETC. OBTAINED UNDER COMPULSION

Insurance Companies Act 1982 (c.50)

- 1 The Insurance Companies Act 1982 is amended as follows.

Commencement Information

I34 Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), **arts. 2(a), 3**; Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), **art. 2**

- 2 In section 43A (general investigations into insurance companies), after subsection (5) (use of statements made under the section) add—
- “(6) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—
- (a) no evidence relating to the statement may be adduced, and

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(b) no question relating to it may be asked, by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(7) Subsection (6) above applies to any offence other than—

- (a) an offence under section 71(1)(b) or (3) below;
- (b) an offence under section 5 of the ^{M22}Perjury Act 1911 (false statements made otherwise than on oath);
- (c) an offence under section 44(2) of the ^{M23}Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath); or
- (d) an offence under Article 10 of the ^{M24}Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath)."

Commencement Information

I35 Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

Marginal Citations

M22 1911 c. 6.
M23 1995 c. 39.
M24 [S.I. 1979/1714 \(N.I. 19\)](#).

3 In section 44 (obtaining information and documents from companies), after subsection (5) (use of statements made under the section) insert—

“(5A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(5B) Subsection (5A) above applies to any offence other than—

- (a) an offence under section 71(1)(b), (3) or (4) below;
- (b) an offence under section 5 of the ^{M25}Perjury Act 1911 (false statements made otherwise than on oath);
- (c) an offence under section 44(2) of the ^{M26}Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath); or
- (d) an offence under Article 10 of the ^{M27}Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath)."

Status: Point in time view as at 07/06/2022.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I36 Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by S.I. 2000/1034, **arts. 2(a), 3**; Sch. 3 in force at 1.1.2001 in relation to Scotland by S.S.I. 2000/445, **art. 2**

Marginal Citations

M25 1911 c. 6.
M26 1995 c. 39.
M27 S.I. 1979/1714 (N.I. 19).

Companies Act 1985 (c.6)

F17₄

Textual Amendments

F17 Sch. 3 para. 4 repealed (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009](#) (S.I. 2009/1941), art. 1(2), **Sch. 2** (with art. 10)

F18₅

Textual Amendments

F18 Sch. 3 para. 5 repealed (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009](#) (S.I. 2009/1941), art. 1(2), **Sch. 2** (with art. 10)

F19₆

Textual Amendments

F19 Sch. 3 para. 6 repealed (6.4.2005) by [Companies \(Audit, Investigations and Community Enterprise\) Act 2004](#) (c. 27), s. 65(1), **Sch. 8**; S.I. 2004/3322, art. 2(2), Sch. 2

Insolvency Act 1986 (c.45)

7 (1) Section 433 of the Insolvency Act 1986 (admissibility in evidence of statements of affairs etc.) is amended as follows.

(2) That section is renumbered as subsection (1) of that section.

(3) After that subsection insert—

“(2) However, in criminal proceedings in which any such person is charged with an offence to which this subsection applies—

(a) no evidence relating to the statement may be adduced, and

(b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

Status: Point in time view as at 07/06/2022.

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- (3) Subsection (2) applies to any offence other than—
- (a) an offence under section 22(6), 47(6), 48(8), 66(6), 67(8), 95(8), 98(6), 99(3)(a), 131(7), 192(2), 208(1)(a) or (d) or (2), 210, 235(5), 353(1), 354(1)(b) or (3) or 356(1) or (2)(a) or (b) or paragraph 4(3)(a) of Schedule 7;
 - (b) an offence which is—
 - (i) created by rules made under this Act, and
 - (ii) designated for the purposes of this subsection by such rules or by regulations made by the Secretary of State;
 - (c) an offence which is—
 - (i) created by regulations made under any such rules, and
 - (ii) designated for the purposes of this subsection by such regulations;
 - (d) an offence under section 1, 2 or 5 of the ^{M28}Perjury Act 1911 (false statements made on oath or made otherwise than on oath); or
 - (e) an offence under section 44(1) or (2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made on oath or otherwise than on oath).
- (4) Regulations under subsection (3)(b)(ii) shall be made by statutory instrument and, after being made, shall be laid before each House of Parliament.”

Commencement Information

I37 Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

Marginal Citations

M28 1911 c. 6.

Company Directors Disqualification Act 1986 (c.46)

- 8 (1) Section 20 of the Company Directors Disqualification Act 1986 (admissibility in evidence of statements) is amended as follows.
- (2) That section is renumbered as subsection (1) of that section.
- (3) After that subsection insert—
- “(2) However, in criminal proceedings in which any such person is charged with an offence to which this subsection applies—
- (a) no evidence relating to the statement may be adduced, and
 - (b) no question relating to it may be asked,
- by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.
- (3) Subsection (2) applies to any offence other than—
- (a) an offence which is—

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- (i) created by rules made for the purposes of this Act under the Insolvency Act, and
 - (ii) designated for the purposes of this subsection by such rules or by regulations made by the Secretary of State;
 - (b) an offence which is—
 - (i) created by regulations made under any such rules, and
 - (ii) designated for the purposes of this subsection by such regulations;
 - (c) an offence under section 5 of the ^{M29}Perjury Act 1911 (false statements made otherwise than on oath); or
 - (d) an offence under section 44(2) of the ^{M30}Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath).
- (4) Regulations under subsection (3)(a)(ii) shall be made by statutory instrument and, after being made, shall be laid before each House of Parliament.”

Commencement Information

I38 Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

Marginal Citations

M29 1911 c. 6.

M30 1995 c. 39.

Building Societies Act 1986 (c.53)

9 In section 57 of the Building Societies Act 1986 (use of answers given to inspectors conducting investigations into building societies), after subsection (5) (use of answers given to inspectors) insert—

“(5A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the answer may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(5B) Subsection (5A) above applies to any offence other than—

- (a) an offence under section 2 or 5 of the Perjury Act 1911 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath);
- (b) an offence under section 44(1) or (2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made on oath or otherwise than on oath); or

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- (c) an offence under Article 7 or 10 of the ^{M31}Perjury (Northern Ireland) Order 1979 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath).”

Commencement Information

I39 Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

Marginal Citations

M31 [S.I. 1979/1714 \(N.I. 19\)](#).

Financial Services Act 1986 (c.60)

- 10 The Financial Services Act 1986 is amended as follows.

Commencement Information

I40 Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

- 11 In section 105 (powers of Secretary of State to investigate affairs of person carrying on investment business), after subsection (5) (use of statements made under the section) insert—

“(5A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(5B) Subsection (5A) above applies to any offence other than—

- (a) an offence under subsection (10) or section 200(1) below;
- (b) an offence under section 5 of the ^{M32}Perjury Act 1911 (false statements made otherwise than on oath);
- (c) an offence under section 44(2) of the ^{M33}Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath); or
- (d) an offence under Article 10 of the ^{M34}Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”

Commencement Information

I41 Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

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Marginal Citations

- M32** 1911 c. 6.
- M33** 1995 c. 39.
- M34** S.I. 1979/1714 (N.I. 19).

12 In section 177 (investigations into insider dealing), after subsection (6) (use of statements made under the section) insert—

“(6A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(6B) Subsection (6A) above applies to any offence other than—

- (a) an offence under section 200(1) below;
- (b) an offence under section 2 or 5 of the Perjury Act 1911 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath);
- (c) an offence under section 44(1) or (2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made on oath or otherwise than on oath); or
- (d) an offence under Article 7 or 10 of the Perjury (Northern Ireland) Order 1979 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath).”

Commencement Information

I42 Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by S.I. 2000/1034, arts. 2(a), 3; Sch. 3 in force at 1.1.2001 in relation to Scotland by S.S.I. 2000/445, art. 2

Companies (Northern Ireland) Order 1986 (N.I.6)

F20 13

Textual Amendments

F20 Sch. 3 paras. 13-15 repealed (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), Sch. 2 (with art. 10)

F20 14

Textual Amendments

F20 Sch. 3 paras. 13-15 repealed (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), Sch. 2 (with art. 10)

Status: Point in time view as at 07/06/2022.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F20 15

Textual Amendments

F20 Sch. 3 paras. 13-15 repealed (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 2** (with art. 10)

Banking Act 1987 (c.22)

16 The Banking Act 1987 is amended as follows.

Commencement Information

I43 Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), **arts. 2(a), 3**; Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), **art. 2**

17 In section 39 (power of Financial Services Authority to obtain information etc. from authorised institutions), after subsection (12) (use of statements made under the section) insert—

“(12A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(12B) Subsection (12A) above applies to any offence other than—

- (a) an offence under subsection (11) above or section 94(1)(a) below;
- (b) an offence under section 5 of the ^{M35}Perjury Act 1911 (false statements made otherwise than on oath);
- (c) an offence under section 44(2) of ^{M36}the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath); or
- (d) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”

Commencement Information

I44 Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), **arts. 2(a), 3**; Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), **art. 2**

Marginal Citations

M35 1911 c. 6.

M36 1995 c. 39.

Status: Point in time view as at 07/06/2022.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 18 In section 41 (investigations into authorised institutions by Financial Services Authority), after subsection (10) (use of statements made under the section) insert—
- “(10A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—
- (a) no evidence relating to the statement may be adduced, and
 - (b) no question relating to it may be asked,
- by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.
- (10B) Subsection (10A) above applies to any offence other than—
- (a) an offence under subsection (9)(c) above or section 94(4) below;
 - (b) an offence under section 5 of the ^{M37}Perjury Act 1911 (false statements made otherwise than on oath);
 - (c) an offence under section 44(2) of the ^{M38}Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath); or
 - (d) an offence under Article 10 of the ^{M39}Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”

Commencement Information

I45 Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

Marginal Citations

M37 1911 c. 6.

M38 1995 c. 39.

M39 [S.I. 1979/1714 \(N.I. 19\)](#).

- 19 In section 42 (investigations by Financial Services Authority into suspected contraventions of sections 3 and 35), after subsection (5) (use of statements made under the section) insert—
- “(5A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—
- (a) no evidence relating to the statement may be adduced, and
 - (b) no question relating to it may be asked,
- by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.
- (5B) Subsection (5A) above applies to any offence other than—
- (a) an offence under subsection (4) above or section 94(1)(a) below;
 - (b) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath);
 - (c) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath); or

Status: Point in time view as at 07/06/2022.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (d) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”

Commencement Information

I46 Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\)](#), 3; Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

Criminal Justice Act 1987 (c.38)

- 20 After subsection (8) of section 2 of the Criminal Justice Act 1987 (use of statements made in response to requirements imposed by the Director of the Serious Fraud Office) insert—

“(8AA) However, the statement may not be used against that person by virtue of paragraph (b) of subsection (8) unless evidence relating to it is adduced, or a question relating to it is asked, by or on behalf of that person in the proceedings arising out of the prosecution.”

Commencement Information

I47 Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\)](#), 3; Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

Companies Act 1989 (c.40)

- 21 In section 83 (powers exercisable for purposes of assisting an overseas regulatory authority), after subsection (6) (use of statements made under the section) insert—

“(6A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(6B) Subsection (6A) applies to any offence other than—

- (a) an offence under section 85;
- (b) an offence under section 2 or 5 of the ^{M40}Perjury Act 1911 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath);
- (c) an offence under section 44(1) or (2) of the ^{M41}Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made on oath or otherwise than on oath); or
- (d) an offence under Article 7 or 10 of the ^{M42}Perjury (Northern Ireland) Order 1979 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath).”

Status: Point in time view as at 07/06/2022.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I48 Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), **arts. 2(a), 3**; Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), **art. 2**

Marginal Citations

M40 1911 c. 6.

M41 1995 c. 39.

M42 [S.I. 1979/1714](#) (N.I. 19).

Companies (Northern Ireland) Order 1989 (N.I.18)

F21²²

Textual Amendments

F21 Sch. 3 para. 22 repealed (N.I.) (5.9.2003) by [The Company Directors Disqualification \(Northern Ireland\) Order 2002 \(S.I. 2002/3150\)](#), **art. 1(2)**, **Sch. 4** (with [Sch. 2](#)); [S.R. 2003/345](#), **art. 3(2)** (subject to [S.R. 2003/346](#), **arts. 3-6**)

Insolvency (Northern Ireland) Order 1989 (N.I.19)

23 (1) Article 375 of the ^{M43}Insolvency (Northern Ireland) Order 1989 (admissibility in evidence of statements of affairs etc.) is amended as follows.

(2) That Article is renumbered as paragraph (1) of that Article.

(3) After that paragraph insert—

“(2) However, in criminal proceedings in which any such person is charged with an offence to which this paragraph applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(3) Paragraph (2) applies to any offence other than—

- (a) an offence under Article 34(6), 57(6), 58(8), 81(7), 84(5), 85(3)(a), 111(7), 162(2), 172(1)(a) or (d) or (2), 174, 199(5), 324(1), 325(1)(b) or (5) or 327(1) or (3)(a) or (b);
- (b) an offence which is—
 - (i) created by rules made under this Order, and
 - (ii) designated for the purposes of this paragraph by such rules or by regulations;
- (c) an offence which is—
 - (i) created by regulations made under any such rules, and
 - (ii) designated for the purposes of this paragraph by such regulations; or

Status: Point in time view as at 07/06/2022.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (d) an offence under Article 3, 7 or 10 of the ^{M44}Perjury (Northern Ireland) Order 1979 (false statements made on oath or made otherwise than on oath).
- (4) Regulations under paragraph (3)(b)(ii) shall after being made be laid before the Assembly.”

Marginal Citations

M43 [S.I. 1989/2405.](#)

M44 [S.I. 1979/1714 \(N.I. 19\).](#)

Friendly Societies Act 1992 (c. 40)

24 In section 67 of the Friendly Societies Act 1992 (supplementary provisions about inspections carried out at the behest of the Friendly Societies Commission), after subsection (5) (use of statements made under the section) insert—

“(5A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
 (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(5B) Subsection (5A) above applies to any offence other than—

- (a) an offence under section 2 or 5 of the ^{M45}Perjury Act 1911 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath);
 (b) an offence under section 44(1) or (2) of the ^{M46}Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made on oath or otherwise than on oath); or
 (c) an offence under Article 7 or 10 of the Perjury (Northern Ireland) Order 1979 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath).”

Commencement Information

I49 Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\)](#), [3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

Marginal Citations

M45 [1911 c. 6.](#)

M46 [1995 c. 39.](#)

Status: Point in time view as at 07/06/2022.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Criminal Law (Consolidation) (Scotland) Act 1995 (c.39)

- 25 After subsection (5) of section 28 of the Criminal Law (Consolidation) (Scotland) Act 1995 (use of statements made in response to requirements imposed by a nominated officer) insert—

“(5A) However, the statement may not be used against that person by virtue of paragraph (b) of subsection (5) unless evidence relating to it is adduced, or a question relating to it is asked, by or on behalf of that person in the proceedings arising out of the prosecution.”

Proceeds of Crime (Northern Ireland) Order 1996 (N.I.9)

- 26 In paragraph 6 of Schedule 2 to the^{M47}Proceeds of Crime (Northern Ireland) Order 1996 (admissibility of evidence), for sub-paragraph (b) substitute—

“(b) on his prosecution for some other offence where evidence relating to any such answer or information is adduced, or a question relating to it is asked, by or on behalf of that person; or”.

Marginal Citations
M47 S.I. 1996/1299.

SCHEDULE 4

Section 67.

MINOR AND CONSEQUENTIAL AMENDMENTS

Criminal Evidence Act 1898 (c.36)

- 1 (1) Section 1 of the Criminal Evidence Act 1898 (competence of accused as witness for the defence) is amended as follows.
- (2) Omit the words from the beginning to “Provided as follows:—”.
- (3) In paragraph (a) of the proviso—
- (a) for “so charged” substitute “ charged in criminal proceedings ”; and
 - (b) for “in pursuance of this Act” substitute “ in the proceedings ”.
- (4) In paragraph (e) of the proviso—
- (a) for “and being a witness in pursuance of this Act” substitute “ in criminal proceedings who is called as a witness in the proceedings ”; and
 - (b) for “the offence charged” substitute “ any offence with which he is charged in the proceedings ”.
- ^{F22}(5)
- (6) In paragraph (g) of the proviso, for “called as a witness in pursuance of this Act” substitute “ charged in criminal proceedings who is called as a witness in the proceedings ”.

Status: Point in time view as at 07/06/2022.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(7) Paragraphs (a), (e), (f) and (g) of the proviso shall be respectively numbered as subsections (1), (2), (3) and (4) of the section.

Textual Amendments

F22 Sch. 4 para. 1(5) repealed (15.12.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 5](#); [S.I. 2004/3033](#), art. 3(1)(2)(e)(i)

Commencement Information

I50 Sch. 4 para. 1 wholly in force in so far as not already in force at 24.7.2002 see [S.I. 2002/1739](#), {art. 2(f)}

PROSPECTIVE

Children and Young Persons Act 1933 (c.12)

- 2 (1) The Children and Young Persons Act 1933 has effect subject to the following amendments.
- (2) In section 37(1) (power to clear court, where child or young person giving evidence, of persons other than bona fide representatives of newspapers or news agencies), for “newspaper or news agency” substitute “ news gathering or reporting organisation ”.
- (3) In section 47(2)(c) (bona fide representatives of newspapers or news agencies entitled to be present at sitting of youth court), for “newspapers or news agencies” substitute “ news gathering or reporting organisations ”.

PROSPECTIVE

Children and Young Persons Act 1963 (c.37)

- 3 In section 57(3) of the ^{M48}Children and Young Persons Act 1963 (which provides for sections 39 and 49 of the Children and Young Persons Act 1933 to extend to Scotland), for “sections 39 and 49”, in both places, substitute “ section 39 ”.

Marginal Citations

M48 [1933 c. 12](#).

PROSPECTIVE

Criminal Appeal Act 1968 (c.19)

- 4 (1) The Criminal Appeal Act 1968 has effect subject to the following amendments.
- ^{F23}(2)

Status: Point in time view as at 07/06/2022.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) In section 31(1)(b) (power to give directions exercisable by single judge), for “section 4(4) of the ^{M49}Sexual Offences (Amendment) Act 1976” substitute “section 3(4) of the ^{M50}Sexual Offences (Amendment) Act 1992”.

Textual Amendments

F23 Sch. 4 para. 4(2) repealed (1.4.2000) by 1999 c. 23, s. 67(3), **Sch. 6** (with Sch. 7 paras. 3(3), 5(2)); S.I. 1999/3427, **art. 3(a)(b)**

Marginal Citations

M49 1976 c. 82.

M50 1992 c. 34.

Children and Young Persons Act 1969 (c.54)

F24₅

Textual Amendments

F24 Sch. 4 para. 5 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Rehabilitation of Offenders Act 1974 (c.53)

F25₆

Textual Amendments

F25 Sch. 4 para. 6 repealed (10.3.2014) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 25 Pt. 2** (with s. 141(1)-(6)); S.I. 2014/423, art. 2(c) (with art. 3)

Magistrates’ Courts Act 1980 (c.43)

7 The Magistrates’ Courts Act 1980 has effect subject to the following amendments.

8 **F26**

Textual Amendments

F26 Sch. 4 para. 8 repealed (19.2.2001) by 1999 c. 22, ss. 106, 108(1), **Sch. 15 Pt. V(8)**(with Sch. 14 para. 7(2), 36(9)); S.I. 2001/168, **art. 2**

9 In section 126 (execution of warrants in Channel Islands and Isle of Man under section 13 of the Indictable Offences Act 1848), after paragraph (e) insert “and

(f) warrants of arrest issued under paragraph 3(2) of Schedule 1 to the Youth Justice and Criminal Evidence Act 1999 (offender referred to court by youth offender panel).”

Status: Point in time view as at 07/06/2022.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Criminal Justice Act 1982 (c.48)

- 10 In section 72(1) of the Criminal Justice Act 1982 (accused to give evidence on oath), after “if he gives evidence, he shall do so” insert “ (subject to sections 55 and 56 of the Youth Justice and Criminal Evidence Act 1999) ”.

Mental Health Act 1983 (c.20)

- 11 In section 37(8) of the Mental Health Act 1983 (combining hospital and guardianship orders with other orders), for the words from “shall not” to “which the court” substitute “shall not—
- (a) pass sentence of imprisonment or impose a fine or make a probation order in respect of the offence,
 - (b) if the order under this section is a hospital order, make a referral order (within the meaning of Part I of the Youth Justice and Criminal Evidence Act 1999) in respect of the offence, or
 - (c) make in respect of the offender any such order as is mentioned in section 7(7)(b) of the ^{M51}Children and Young Persons Act 1969 or section 58 of the ^{M52}Criminal Justice Act 1991,

but the court may make any other order which it ”.

Marginal Citations

M51 1969 c. 54.

M52 1991 c. 53.

Police and Criminal Evidence Act 1984 (c.33)

- 12 The Police and Criminal Evidence Act 1984 has effect subject to the following amendments.
- 13 (1) Section 80 (competence and compellability of accused’s spouse) is amended as follows.
- (2) Omit subsections (1) and (8).
 - (3) For subsections (2) to (4) substitute—

“(2) In any proceedings the wife or husband of a person charged in the proceedings shall, subject to subsection (4) below, be compellable to give evidence on behalf of that person.

(2A) In any proceedings the wife or husband of a person charged in the proceedings shall, subject to subsection (4) below, be compellable—

 - (a) to give evidence on behalf of any other person charged in the proceedings but only in respect of any specified offence with which that other person is charged; or
 - (b) to give evidence for the prosecution but only in respect of any specified offence with which any person is charged in the proceedings.

(3) In relation to the wife or husband of a person charged in any proceedings, an offence is a specified offence for the purposes of subsection (2A) above if—

Status: Point in time view as at 07/06/2022.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) it involves an assault on, or injury or a threat of injury to, the wife or husband or a person who was at the material time under the age of 16;
- (b) it is a sexual offence alleged to have been committed in respect of a person who was at the material time under that age; or
- (c) it consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within paragraph (a) or (b) above.

(4) No person who is charged in any proceedings shall be compellable by virtue of subsection (2) or (2A) above to give evidence in the proceedings.

(4A) References in this section to a person charged in any proceedings do not include a person who is not, or is no longer, liable to be convicted of any offence in the proceedings (whether as a result of pleading guilty or for any other reason).”

(4) In subsection (5), omit “competent and” and, in the side-note, omit “Competence and”.

14 After section 80 insert—

“80A Rule where accused’s spouse not compellable.

The failure of the wife or husband of a person charged in any proceedings to give evidence in the proceedings shall not be made the subject of any comment by the prosecution.”

Criminal Justice Act 1988 (c.33)

15 The Criminal Justice Act 1988 has effect subject to the following amendments.

F27 16

Textual Amendments

F27 Sch. 4 para. 16 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 6](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(3\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1))

17 In section 34(3) (unsworn evidence may corroborate other evidence), for “section 52 of the Criminal Justice Act 1991” substitute “ section 56 of the Youth Justice and Criminal Evidence Act 1999 ”.

PROSPECTIVE

Companies (Northern Ireland) Order 1989 (N.I.18)

F28F29 18

Status: Point in time view as at 07/06/2022.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F28** Sch. 4 para. 18 repealed (N.I.) (5.9.2003) by [The Company Directors Disqualification \(Northern Ireland\) Order 2002 \(S.I. 2002/3150\)](#), art. 1(2), **Sch. 4** (with Sch. 2); S.R. 2003/345, art. 3(2) (subject to S.R. 2003/346, arts. 3-6)
- F29** Sch. 4 para. 18 repealed (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 2** (with art. 10) and Sch. 4 para. 18 repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), s. 1300(2), **Sch. 16**; S.I. 2008/2860, art. 4, **Sch. 1 Pt. 2** (with arts. 7, 8, Sch. 2) (which transitional provisions in Sch. 2 are amended (1.10.2009) by S.I. 2009/2476, arts. 1(3), 2(3)(4) and by S.I. 2009/1802, arts. 1, 18, Sch.)

PROSPECTIVE

Insolvency (Northern Ireland) Order 1989 (N.I.19)

- 19 In Article 2(2) of the ^{M53}Insolvency (Northern Ireland) Order 1989 (interpretation), in the definition of “regulations” for “Article 359(5)” substitute “ Articles 359(5) and 375(3)(b)(ii) ”.

Marginal Citations

M53 [S.I. 1989/2405](#).

Criminal Justice Act 1991 (c.53)

- F30 20

Textual Amendments

- F30** Sch. 4 para. 20 repealed (25.8.2000) by [2000 c. 6](#), ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Criminal Justice and Public Order Act 1994 (c.33)

PROSPECTIVE

- 21 The Criminal Justice and Public Order Act 1994 has effect subject to the following amendments.

- 22 (1) Section 51 (intimidation etc. of witnesses, jurors and others) is amended as follows.
- (2) For subsections (1) to (3) (offences of intimidating, and of doing or threatening harm to, witnesses etc.) substitute—
- “(1) A person commits an offence if—
- (a) he does an act which intimidates, and is intended to intimidate, another person (“the victim”),

Status: Point in time view as at 07/06/2022.

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- (b) he does the act knowing or believing that the victim is assisting in the investigation of an offence or is a witness or potential witness or a juror or potential juror in proceedings for an offence, and
 - (c) he does it intending thereby to cause the investigation or the course of justice to be obstructed, perverted or interfered with.
 - (2) A person commits an offence if—
 - (a) he does an act which harms, and is intended to harm, another person or, intending to cause another person to fear harm, he threatens to do an act which would harm that other person,
 - (b) he does or threatens to do the act knowing or believing that the person harmed or threatened to be harmed (“the victim”), or some other person, has assisted in an investigation into an offence or has given evidence or particular evidence in proceedings for an offence, or has acted as a juror or concurred in a particular verdict in proceedings for an offence, and
 - (c) he does or threatens to do it because of that knowledge or belief.
 - (3) For the purposes of subsections (1) and (2) it is immaterial that the act is or would be done, or that the threat is made—
 - (a) otherwise than in the presence of the victim, or
 - (b) to a person other than the victim.”
 - (3) In subsection (8) (presumption in proceedings for offence under subsection (2))—
 - (a) for “he did or threatened to do an act falling within paragraph (a) within the relevant period” substitute “within the relevant period—
 - (a) he did an act which harmed, and was intended to harm, another person, or
 - (b) intending to cause another person fear of harm, he threatened to do an act which would harm that other person,and that he did the act, or (as the case may be) threatened to do the act, ”; and
 - (b) after “to have done the act” insert “ or (as the case may be) threatened to do the act ”.
- 23 In section 136 (cross-border execution of arrest warrants), after subsection (7) insert—
- “(7A) This section applies as respects a warrant issued under paragraph 3(2) of Schedule 1 to the Youth Justice and Criminal Evidence Act 1999 (warrant for arrest of offender referred back to court by youth offender panel) as it applies to a warrant issued in England or Wales for the arrest of a person charged with an offence.”

PROSPECTIVE

- 24 In Schedule 11 (repeals), the entry relating to section 57(4) of the ^{M54}Children and Young Persons Act 1969 shall be treated as, and as always having been, an entry relating to section 57(4) of the ^{M55}Children and Young Persons Act 1963.

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Marginal Citations

M54 1969 c. 54.

M55 1963 c. 37.

Crime and Disorder Act 1998 (c.37)

25 The Crime and Disorder Act 1998 has effect subject to the following amendments.

^{F31}26

Textual Amendments

F31 Sch. 4 para. 26 repealed (15.12.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 12**; [S.I. 2004/3033](#), art. 3(1)(2)(e)(ii)(dd)

^{F32}27

Textual Amendments

F32 Sch. 4 para. 27 repealed (15.12.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 12**; [S.I. 2004/3033](#), art. 3(1)(2)(e)(ii)(dd)

28 In section 38(4) (definition of “youth justice services”), after paragraph (j) there shall be inserted—

“(k) the implementation of referral orders within the meaning of Part I of the Youth Justice and Criminal Evidence Act 1999.”

^{F33}29

Textual Amendments

F33 Sch. 4 para. 29 repealed (25.8.2000) by [2000 c. 6](#), ss. 165(4), 168(1), **Sch. 12 Pt. I** (with [Sch. 11 paras. 1, 2](#))

^{F34}30

Textual Amendments

F34 Sch. 4 para. 30 repealed (25.8.2000) by [2000 c. 6](#), ss. 165(4), 168(1), **Sch. 12 Pt. I** (with [Sch. 11 paras. 1, 2](#))

.....

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Textual Amendments

F35 Sch. 5 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

SCHEDULE 6

Section 67.

REPEALS

Extent Information

E1 The extent of repeals and revocations is coextensive with the enactments they affect except that the repeal of s. 62 of the Criminal Procedure and Investigations Act 1996 does not extend to Northern Ireland, see s. 68(9)

Commencement Information

I51 Sch. 6 partly in force; Sch. 6 not in force at Royal Assent, see s. 68(3); Sch. 6 in force for certain purposes at 1.4.2000 by [S.I. 1999/3427, art. 3\(b\)](#); Sch. 6 in force for certain further purposes for E.W. at 14.4.2000 by [S.I. 2000/1034, arts. 2\(c\), 3\(1\)](#); Sch. 6 in force for certain further purposes at 4.9.2000 by [S.I. 2000/2091, art. 2\(f\)](#) (with [art. 3](#)); Sch. 6 in force for certain further purposes at 4.12.2000 by [S.I. 2000/3075, art. 2\(c\)](#) (with [art. 3](#)); Sch. 6 in force for certain further purposes for E.W. at 24.7.2002 by [S.I. 2002/1739, art. 2\(g\)](#)

I52 Sch. 6 in force at 7.10.2004 for specified purposes for E.W. by [S.I. 2004/2428, art. 2\(f\)](#)

I53 Sch. 6 in force at 7.10.2004 for specified purposes for S. by [S.S.I. 2004/408, art. 3\(e\)](#)

I54 Sch. 6 in force at 8.11.2004 for specified purposes for N.I. by [S.R. 2004/467, art. 2\(e\)](#)

I55 Sch. 6 in force at 6.12.2006 for specified purposes by [S.I. 2006/2885, art. 2\(b\)](#)

Reference	Short title or title	Extent of repeal or revocation
61 & 62 Vict. c. 36.	Criminal Evidence Act 1898.	In section 1, the words from the beginning to “Provided as follows:—”.
23 & 24 Geo. 5 c. 12.	Children and Young Persons Act 1933.	Section 38.
12, 13 & 14 Geo. 6 c. 88.	Registered Designs Act 1949.	Section 17(11).
1955 c. 18.	Army Act 1955.	Section 93(1B) and (2).
1955 c. 19.	Air Force Act 1955.	Section 93(1B) and (2).
1957 c. 53.	Naval Discipline Act 1957.	Section 60(2) and (3).
1963 c. 37.	Children and Young Persons Act 1963.	Section 57(2) and (4).
1968 c. 19.	Criminal Appeal Act 1968.	In section 10(2)(b), the words “, a referral order within the meaning of Part I of the Youth Justice and Criminal

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		Evidence Act 1999 (referral to youth offender panel)”.
1968 c. 20.	Courts-Martial (Appeals) Act 1968.	In section 36(1), the words “section 4(4) of the Sexual Offences (Amendment) Act 1976 as adapted by section 5(1)(d) of that Act or”.
1968 c. 60.	Theft Act 1968.	In section 30(2), the words from “and a person bringing” onwards.
1969 c. 54.	Children and Young Persons Act 1969.	Section 16(3B) and (3C).
1976 c. 52.	Armed Forces Act 1976.	In Schedule 3, in paragraph 3(2), the words from “or direct that” onwards.
1976 c. 82.	Sexual Offences (Amendment) Act 1976.	Sections 2 to 5. In section 7(4), the words from “except that” onwards. Section 7(5).
1977 c. 37.	Patents Act 1977.	Section 32(12).
S.I. 1978/460 (N.I. 5).	Sexual Offences (Northern Ireland) Order 1978.	In Article 1(2), the words from “and Articles 6 and 8” onwards. Articles 6 and 7.
1978 c. 23.	Judicature (Northern Ireland) Act 1978.	In Part II of Schedule 5, the amendment of the Sexual Offences (Northern Ireland) Order 1978.
1979 c. 2.	Customs and Excise Management Act 1979.	Section 75A(6)(b). In section 118A(6)(b), the words “sections 69 and 70 of the Police and Criminal Evidence Act 1984 and”.
1980 c. 43.	Magistrates’ Courts Act 1980.	In section 125(4)(c)(iii), the “and” at the end. In section 126(d), the “and” at the end. In Schedule 7, paragraph 148.
1981 c. 55.	Armed Forces Act 1981.	In Schedule 2, paragraph 9.
1984 c. 60.	Police and Criminal Evidence Act 1984.	Sections 69 and 70. Section 80(1). In section 80(5), the words “competent and”. Section 80(8). In section 82(1), in the definition of “proceedings”,

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		in paragraph (a) the words after “court-martial” and, in paragraph (b)(i), the words “so constituted”. Schedule 3.
1985 c. 9.	Companies Act 1985.	In section 709(3), the words from “In England and Wales” onwards.
1988 c. 33.	Criminal Justice Act 1988.	In section 23(1), paragraph (c) and the “and” preceding it. In section 24(1), paragraph (c) and the “and” preceding it. In section 32(1), paragraph (b) and the “or” preceding it. Section 32(2), (3A) to (3E) and (6). Section 32A. Section 33A. Section 34A. Section 158(2) to (4). In Schedule 13, in paragraph 8, sub-paragraph (2)(b) and the “and” preceding it and, in sub-paragraph (3), “(2)”. In Schedule 15, paragraph 53.
1990 c. 42.	Broadcasting Act 1990.	In Schedule 20, paragraphs 26 and 27.
1991 c. 53.	Criminal Justice Act 1991.	Section 52. Section 54. Section 55(2)(b), (4), (6) and (7). In Schedule 9, paragraphs 3 and 7. In Schedule 11, paragraph 1 and, in paragraph 37, the words from “and, in subsection (3)” onwards.
1992 c. 34.	Sexual Offences (Amendment) Act 1992.	In section 5(2), the words “or programme”. In section 6(1), the definition of “written publication” and the “and” preceding it. In section 7(2), paragraph (b) and paragraph (e) except for the “and” at the end. Section 7(3).

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1994 c. 9.	Finance Act 1994.	In section 22(2)(b), the words “sections 69 and 70 of the Police and Criminal Evidence Act 1984 and”. In Schedule 7, in paragraph 1(6)(b), the words “sections 69 and 70 of the Police and Criminal Evidence Act 1984 and”.
1994 c. 23.	Value Added Tax Act 1994.	In Schedule 11, in paragraph 6(6)(b), the words “sections 69 and 70 of the Police and Criminal Evidence Act 1984 and”.
1994 c. 33.	Criminal Justice and Public Order Act 1994.	Section 50. In Schedule 9, paragraphs 11(1)(a), 13 and 33. In Schedule 10, paragraphs 32, 35(3) and 36.
S.I. 1994/2795 (N.I. 15).	Criminal Justice (Northern Ireland) Order 1994.	Article 2(3). Article 18(3). Articles 19 to 24.
1995 c. 35.	Criminal Appeal Act 1995.	In Schedule 2, paragraph 16(2)(b) and (3).
1995 c. 38.	Civil Evidence Act 1995.	In Schedule 1, paragraph 10.
1996 c. 8.	Finance Act 1996.	In Schedule 5, in paragraph 2(6)(a), the words “sections 69 and 70 of the Police and Criminal Evidence Act 1984 and”.
1996 c. 25.	Criminal Procedure and Investigations Act 1996.	Section 62. In Schedule 1, paragraphs 23, 27 and 33.
1996 c. 46.	Armed Forces Act 1996.	In Schedule 1, paragraph 107(a).
1998 c. 37.	Crime and Disorder Act 1998.	In section 74(8), the words “this section or”. In Schedule 5, paragraphs 3(3), 4(6) and 5(6).
S.I. 1998/1504 (N.I. 9).	Criminal Justice (Children) (Northern Ireland) Order 1998.	Article 22.
1999 c. 23.	Youth Justice and Criminal Evidence Act 1999.	Section 4(7)(d) except for the “or” at the end. In section 15(1), in the definition of “custodial sentence”, the words from “a

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sentence of detention in” to
“1994.”.
In Schedule 1, paragraphs
5(7) and 14(5).
In Schedule 4, paragraph
4(2).

SCHEDULE 7

Section 67.

TRANSITIONAL PROVISIONS AND SAVINGS

Interpretation

1 (1) In this Schedule—

“the 1988 Act” means the ^{M56}Criminal Justice Act 1988;

“commencement date”, in relation to any provisions of this Act and proceedings of any description, means the date on which those provisions come into force in relation to such proceedings;

“continuing proceedings” (except in paragraph 3) means proceedings instituted before the commencement date;

“existing special measures power” means any power of the court to make an order or give leave, in the exercise of its inherent jurisdiction, for the taking of measures in relation to a witness which are similar to those which could be provided for by a special measures direction.

(2) For the purposes of this Schedule—

(a) proceedings other than proceedings on appeal are to be taken to be instituted at the time when they would be taken to be instituted for the purposes of Part I of the ^{M57}Prosecution of Offences Act 1985 in accordance with section 15(2) of that Act; and

(b) proceedings on appeal are to be taken to be instituted at the time when the notice of appeal is given or (as the case may be) the reference under section 9 or 11 of the ^{M58}Criminal Appeal Act 1995 is made.

(3) Expressions used in this Schedule which are also used in Part II of this Act have the same meaning in this Schedule as in that Part.

Commencement Information

I56 Sch. 7 para. 1 in force at 7.10.2004 for specified purposes for S. by [S.S.I. 2004/408](#), [art. 3\(f\)](#)

Marginal Citations

M56 1988 c. 33.

M57 1985 c. 23.

M58 1995 c. 35.

Referral orders under Part I

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Textual Amendments

F36 Sch. 7 para. 2 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Special measures under Chapter I of Part II

- 3 (1) A special measures direction may be given in relation to a witness in continuing proceedings unless the court has before the specified date—
- (a) given leave in relation to the witness in connection with those proceedings under section 32 (evidence through television links) or section 32A (video recordings of testimony of child witnesses) of the 1988 Act, or
 - (b) exercised any existing special measures power in relation to the witness in connection with those proceedings.
- (2) The repeals made by this Act shall not affect the continued operation in relation to a witness in continuing proceedings of section 32 or 32A of the 1988 Act where before the specified date leave was given in relation to the witness in connection with those proceedings by virtue of section 32(1)(b) or section 32A, as the case may be.
- (3) Nothing in this Act affects the continued operation in relation to a witness in continuing proceedings of any order made or leave given under any existing special measures power exercised by the court before the specified date in relation to the witness in connection with those proceedings.
- (4) In this paragraph—
- (a) “continuing proceedings” means proceedings instituted before the specified date;
 - (b) “the specified date”, in relation to a witness in any proceedings, means such date as may be specified by the Secretary of State in a notice given to the court in question under section 18(2), where the date is expressed to apply—
 - (i) for the purposes of this paragraph, and
 - (ii) in relation to any description of witnesses and proceedings within which the witness and the proceedings fall.

Protection of witnesses from cross-examination by accused in person

- 4 Nothing in Chapter II of Part II applies in relation to proceedings instituted before the commencement date for that Chapter.

Protection of complainants in proceedings for sexual offences

- 5 (1) Nothing in Chapter III of Part II applies in relation to continuing proceedings in which leave has been given before the commencement date for that Chapter—
- (a) under section 2 of the ^{M59}Sexual Offences (Amendment) Act 1976, or
 - (b) (in the case of proceedings to which section 2 does not apply) in the exercise of any similar power of the court exercisable by virtue of its inherent jurisdiction.
- (2) Nothing in this Act affects the continued operation of any leave so given in relation to any such proceedings.

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Marginal Citations

M59 1976 c. 82.

Reporting restrictions

- 6 (1) Section 44 applies in relation to an alleged offence whether the criminal investigation into it is begun before or after the coming into force of that section.
- (2) The restrictions imposed by subsection (2) of section 44 do not apply to the inclusion of matter in a publication if—
- (a) where the publication is a relevant programme, it is transmitted, or
 - (b) in the case of any other publication, it is published,
- before the coming into force of that section.
- (3) Nothing in section 45 or 46 applies in relation to proceedings instituted before the commencement date for that section.
- (4) In sub-paragraph (3) the reference to the institution of proceedings shall be construed—
- (a) in the case of proceedings in England in Wales (other than proceedings before a service court), in accordance with paragraph 1(2);
 - (b) in the case of proceedings in Northern Ireland (other than proceedings before a service court), in accordance with sub-paragraph (5);
 - (c) in the case of proceedings before a service court (wherever held) in accordance with sub-paragraph (6).
- (5) In the case of proceedings falling within sub-paragraph (4)(b)—
- (a) proceedings other than proceedings on appeal are to be taken to be instituted—
 - (i) where a justice of the peace issues a summons under Article 20 of the ^{M60}Magistrates' Courts (Northern Ireland) Order 1981, when the complaint for the offence is made;
 - (ii) where a justice of the peace issues a warrant for the arrest of any person under that Article, when the complaint for the offence is made;
 - (iii) where a person is charged with the offence after being taken into custody without a warrant, when he is informed of the particulars of the charge;
 - (iv) where an indictment is presented under the authority of section 2(2) (c), (d), (e) or (f) of the ^{M61}Grand Jury (Abolition) Act (Northern Ireland) 1969, when the indictment is presented to the court;and where the application of this paragraph would result in there being more than one time for the institution of the proceedings, they shall be taken to have been instituted at the earliest of those times; and
 - (b) proceedings on appeal are to be taken to be instituted at the time when the notice of appeal is given or (as the case may be) the reference under section 10 or 12 of the ^{M62}Criminal Appeal Act 1995 is made.
- (6) In the case of proceedings falling within sub-paragraph (4)(c)—

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- (a) proceedings other than proceedings on appeal are to be taken to be instituted when [^{F37}the charge is brought under [^{F38}section 121(1A) or 122] of the Armed Forces Act 2006;] and
- [^{F39}(b) proceedings on appeal are to be taken to be instituted—
- (i) in the case of an appeal under the Court Martial Appeals Act 1968, when the application for leave to appeal is lodged in accordance with section 9 of that Act;
 - (ii) in the case of an appeal under section 285 of the Armed Forces Act 2006 (except one for which leave is required), when the notice of appeal is given;
 - (iii) in the case of an appeal under that section for which leave is required, when the application for leave to appeal is lodged;
 - (iv) in the case of a reference under section 34 of the Court Martial Appeals Act 1968 or section 12A or 12B of the Criminal Appeal Act 1995, when the reference is made.]

Textual Amendments

- F37** Words in Sch. 7 para. 6(6)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\)](#), [Sch. 16 para. 161\(a\)](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F38** Words in Sch. 7 para. 6(6)(a) substituted (22.5.2019 for specified purposes, 1.7.2019 in so far as not already in force) by [Armed Forces Act 2016 \(c. 21\), ss. 5\(3\)\(b\)](#), 19(1); S.I. 2019/961, [reg. 2\(1\)\(a\)\(b\)](#) (with [reg. 3](#))
- F39** Sch. 7 para. 6(6)(b) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\)](#), [Sch. 16 para. 161\(b\)](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Modifications etc. (not altering text)

- C1** Sch. 7 para. 6(3) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), [art. 1\(3\)](#), [Sch. 1 para. 44\(2\)](#)

Commencement Information

- I57** Sch. 7 para. 6 in force at 7.10.2004 for specified purposes for S. by [S.S.I. 2004/408](#), [art. 3\(f\)](#)
- I58** Sch. 7 para. 6 in force at 7.10.2004 for specified purposes for E.W. by [S.I. 2004/2428](#), [art. 2\(g\)](#)
- I59** Sch. 7 para. 6 in force at 8.11.2004 for specified purposes for N.I. by [S.R. 2004/467](#), [art. 2\(f\)](#)
- I60** Sch. 7 para. 6 in force at 13.4.2015 for specified purposes for E.W. by [S.I. 2015/818](#), [art. 2\(h\)](#)

Marginal Citations

- M60** [S.I. 1981/1675 \(N.I. 26\)](#).
- M61** [1969 c. 15 \(N.I.\)](#).
- M62** [1995 c. 35](#).

Competence of witnesses and capacity to be sworn

- 7 Nothing in Chapter V of Part II applies in relation to proceedings instituted before the commencement date for that Chapter.

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Inferences from silence

- 8 The amendments made by section 58—
- (a) apply only to proceedings instituted on or after the commencement date for that section; but
 - (b) so apply whether the relevant failure or refusal on the part of the accused took place before or after that date.

Commencement Information

I61 Sch. 7 para. 8 in force at 1.4.2003 by [S.I. 2003/707](#), **art. 2(c)**

Status:

Point in time view as at 07/06/2022.

Changes to legislation:

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